REMARKS

Claims 1-14 are pending of which claims 1, 7 and 13 are independent. In this Amendment, claims 2, 8 and 13-14 have cancelled and claims 1 and 5-7 have been amended to clarify an aspect of the invention. Support is found in, for example, No new matter has been introduced.

Drawing Objections

The drawings were objected to because they fails to show every feature of the invention specified in the claims. Specifically, the limitations "the means for executing printing" in claim 1 and "storage means" in claim 7 were indicated not to be shown in the drawings.

Withdrawal of the objections is respectfully requested for the following reasons.

With respect to "means for executing printing", the printing machine 30 in FIG. 1 provides the required illustration.

In addition, the image processing unit 10 is a computer which includes a display device 11, a key board 12 and a mouse 13 as illustrated in FIG. 1. (See paragraph [0028] of the application as published) A memory acting as a "storage means" is generally built in the computer 10, while it is not explicitly illustrated in drawings. To clarify disclosure supported by paragraph [0028] of the specification in drawings, storages 14, 24 are added in FIG. 1 and corresponding descriptions have been added to the specification.

It is therefore submitted that the drawing and specification amendments do not introduce new matter. The drawings now provide the required illustration. Accordingly, reconsideration and withdrawal of the drawing objection are solicited.

Claim Objections

Claims 1 and 5-6 were objected to for informalities. Correction has been made to claims 1 and 5-6 suggested by the Examiner. Withdrawal of the objections is respectfully requested.

Claim Rejections Under 35 U.S.C.§101

Claims 13-14 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. In response, claims 13-14 have been cancelled and the rejections are rendered moot.

Claim Rejections Under 35 U.S.C. §102(b)

Claims 7-10 and 13-14 were rejected under 35 U.S.C. §102(b) as being anticipated by Akiyama(EP 0322879 A2 , hereinafter "Akiyama"). The rejections are respectfully traversed for the following reasons.

Amended claim 7, in pertinent part, recites "an ink feeding rate is controlled, based on the differences between the color tones at the representative points and the target color tones, by

comparing image data of the print produced and said representative points." As shown in FIGS.1 and 4, one example of what is claimed in claim 7, the color tone management apparatus 32 determines differences between the color tones at the representative pints and the target color points and sends data 38 for controlling ink feeding rates to the printing machine 30 based on the differences. The printing apparatus 30 controls the ink feed rates in time of printing based on the data 38 transmitted from the color tone management apparatus 32. (See paragraphs [0049]-[0051] of the application as published) Akiyama fails to disclose the above limitation.

Akiyama relates to an image processor having a density indicator in which a technique for designating reference points on an image and obtaining the density at each of the reference points is disclosed. While the respective colour density data for the reference point is corrected according to the simulation program previously stored in the RAM 58, the respective colour density data for the reference point is not compared with a target data and, thus, the respective colour densit data is not used for controlling ink feeding rates of any printing machine. This is in direct contrast with what is claimed in claim 7 in which "an ink feeding rate is controlled, based on the differences between the color tones at the representative points and the target color tones, by comparing image data of the print produced and said representative points."

As anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), based on the foregoing, it is submitted that Akiyama does not anticipate claim 7, nor any claim dependent thereon. Thus, claim 7 and claims dependent thereon are patentable over Akiyama.

Claims 13 and 14 have been cancelled in this Amendment. The rejections with respect to claims 13 and 14 are rendered moot.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shiraishi (U.S. Publication No. 2001/0038388, hereinafter "Shiraishi") in view of Ozaki Ikuo (JP 11-240137, hereinafter"Ozaki") further in view of Akiyama. Claims 5-6 and 11-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shiraishi in view of Ozaki further in view of Akiyama further in view of Muramoto (U.S. Patent No. 6,798,536, hereinafter "Muramoto"). The rejections are respectfully traversed for the following reasons.

Amended claim 1, in pertinent part, recites "controlling an ink feeding rate, based on the differences between the color tones at the representative points and the target color tones, by comparing image data of the prints produced in said printing executing step and said representive points." The combination of Shiraishi, Ozaki, Akiyama and Muramoto fails to disclose the above limitations.

As addressed above, Akiyama fails to disclose the above limitation of claim 1.

Shiraishi fails to cure deficiences of Akiyama for the following reasons. Shiraishi relates to device for managing print colors in which the image pickup device D picks up an image of a color chart on the printed object , profile data representing printing characteristic, an ink condition and printing medium condition ,are generated based on the picked up image, and a new printing is carried out based on the profile data. Specifically, Shirashi focuses on comparing and adjusting colors of the color chart of picked up image to colors of the reference color chart, but does not compare color tones at a specific point(reference point) with target color tones. On the

contrary, the claimed invention in claim 1 compares and uses differences between "the color tones at the representative points" and "target color tones" for "controlling ink feeding rates.

In addition, Muratomo which was cited for "creating PDL data" and Ozaki which was cited for "controlling color tones" fails to cure deficiences of Akiyama.

Accordingly, as each and every limitation must be disclosed or suggested by the cited prior art references in order to establish a *prima facie* case of obviousness (*see*, M.P.E.P. § 2143.03) and for at least the foregoing reasons the combination of Akiyama, Shirashi, Ozaki and Muratomo fails to do so, it is respectfully submitted that claim 1 and 3-6 including all limitations of and dependent upon claim 1 are patentable over the combination of Akiyama, Shirashi, Ozaki and Muratomo.

Claims 11 and 12 dependent upon and including all limitations of claim 7 which includes the above limitation of claim 1 are patentable for the same reasons.

Claim 2 has been cancelled and the rejection with respect to claim 2 is rendered moot.

Conclusion

Upon entry of the above claim amendments, claims 1, 3-7, and 9-12 remain active in this application. Applicant submits that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicant respectfully requests a prompt favorable reconsideration of this matter.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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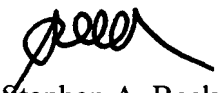

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